


IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

FILED BY  D.C.
05 OCT 26 AM 11:55

THOMAS M. GOULD
CLERK, U.S. DISTRICT COURT
W.D. OF TENNESSEE

ANNA L. BROOKS,

Plaintiff,

vs.

Civ. No. 05-2119-M1/P

NATIONAL RAILROAD PASSENGER
CORPORATION, a/k/a AMTRAK,

Defendant.

ORDER DENYING WITHOUT PREJUDICE DEFENDANT'S MOTION TO COMPEL

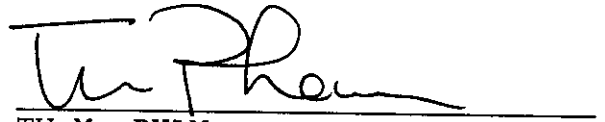
Before the court is defendant's motion to compel, filed October 24, 2005 (dkt #9). Local Rule 7.2 requires that

"[a]ll motions . . . shall be accompanied by a certificate of counsel . . . affirming that, after consultation between the parties to the controversy, they are unable to reach an accord as to all issues or that all other parties are in agreement with the action requested by the motion." Local Rule 7.2(a)(1)(B). Failure to file a Rule 7.2 certificate "may be deemed good grounds for denying the motion." *Id.*

According to the Certificate of Consultation, counsel for the defendant unsuccessfully attempted to contact plaintiff's counsel on October 24, but did not hear back from plaintiff's counsel by the time defendant filed the motion to compel on the same day. The court finds that this does not comply with the consultation requirement. Therefore, the motion to compel is DENIED without

prejudice. Defendant may refile the motion after complying with the consultation requirement.

IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read 'Tu Pham', written over a horizontal line.

TU M. PHAM
United States Magistrate Judge

October 26, 2005
Date



Notice of Distribution

This notice confirms a copy of the document docketed as number 12 in case 2:05-CV-02119 was distributed by fax, mail, or direct printing on October 26, 2005 to the parties listed.

Javier M. Bailey
WALTER BAILEY & ASSOCIATES
100 North Main St.
Ste. 3002
Memphis, TN 38103

Jimmy Moore
CIRCUIT COURT, 30TH JUDICIAL DISTRICT
140 Adams Ave.
Rm. 224
Memphis, TN 38103

Everett B. Gibson
BATEMAN GIBSON & CHILDERS
65 Union Ave.
Ste. 1010
Memphis, TN 38103

Honorable Jon McCalla
US DISTRICT COURT